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State of Utah

Department of Natural Resources

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Division of Oil, Gas & Mining

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Governor

GARY R. HERBERT
Lieutenant Governor

August 18, 2005

CERTIFIED RETURN RECEIPT
7002 0510 0003 8602 8659

Mr. Cory Chapman
Rockscapes
2338 Ridgewood Way
Bountiful, Utah 84010

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Rockscapes and Remington Group Quarry Un-permitted Site, Cessation Order MC-2005-03-06-01, S/035/029, Salt Lake County, Utah

Dear Mr. Chapman:

On August 17, 2005, the Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Remington Group un-permitted site, S035/029 in Salt Lake County, Utah. The following individuals attended: Presiding: Mark Mesch, Acting Compliance Officer, and Susan White, Mining Programs Coordinator, for the Division, and Cory Chapman, Owner Rockscapes, and Jim Jenkins and Nadine Graves, Remington Group.

The Findings and Conclusions and Order in this matter are based on information provided by the Division and Messrs. Jenkins and Chapman in connection with this Stop Work Conference.

FINDINGS & CONCLUSIONS

1. Cessation Order MC-2005-03-06-01 was issued 8/16/05 for 'Mining without a permit' and required all mining to cease.
2. In a phone call received August 16, 2005, Mr. Chapman requested an on-site "inspection" (Stop work conference).
3. A Stop Work Conference was scheduled and held August 17, 2005 at 8:30 am, in accordance with R647-6-102.4.
4. An explanation of the Utah Mine Land Reclamation Act was provided and a discussion of the types of mine permits occurred.

5. The question of land ownership of the quarry and the ownership of the housing development was discussed. Mr. Jenkins and the Remington Group have ownership of both sites.
6. The owner and operator complained of the illegal removal of rock from the property by unidentified individuals, and their intent was to remove only the surface rock and transport it to their housing development in South Jordan for use later.
7. Mr. Chapman produced an agreement signed by he and Mr. Jenkins discussing the illegal removal issues and the need for the material on another project in the area.
8. An agreement signed by both parties states that Rockscapes will only remove rocks from the quarry for this particular housing development and that Rockscapes would be compensated for this work at an hourly rate.
9. Mr. Chapman estimated that there were approximately 50 to 75 loads of surface rock left on-site and that removing it would take approximately two to three weeks.
10. Mr. Jenkins stated that after the surface material was removed he did not want anyone operating on-site.
11. It is concluded that rock material has been removed from the landowner's site using mechanized equipment and transported to another property under his ownership.
12. Although this rock material has not directly entered the commerce stream through direct sales, it has indirectly entered the commerce stream through its use by the owner in an off-site, for profit, housing development.
13. As stated by Mr. Chapman this removal of surface rock will be short term in duration, likely less than three weeks and no additional excavation will occur.
14. Removal of this surface rock will protect Mr. Jenkins ownership rights and eliminate illegal removal activities.
15. It is concluded by the Conference Officer that the Cessation Order is vacated with the following conditions.

ORDER

1. Cessation Order MC-2005-03-06-01, issued 8/16/2005, is hereby vacated with the following conditions.

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2. Rockscape will complete the removal of the surface rock within 30 days of receipt of this letter. No removal activity will occur on this property after 30 days without securing the appropriate mining permit.
3. All rock material will be transported only to property controlled by the Remington Group.
4. None of the rock material will be sold directly into the commerce stream without obtaining the necessary mining permits.

If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Vickie Southwick at (801) 538-5304. If you have any questions regarding this letter, please contact Mark Mesch at (801) 538-5349 or Daron Haddock at (801) 538-5325.

Sincerely,



for Daron R. Haddock
Compliance Officer

MM:jb

cc: Daron Haddock, DOGM
Paul Baker, DOGM

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